

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION AT DETROIT

UNITED STATES OF AMERICA,

Plaintiff,

Civil No.09-12222

Honorable Robert H. Cleland

vs.

ONE (1) 2000 INTERNATIONAL TRUCK,
VIN 2HSCHAMR5YC076636; AND
ONE (1) 2004 FORD TRAILER,
VIN 2DEADDZ2741015981

Defendants *in Rem*.

**STIPULATED CONSENT JUDGMENT AND FINAL ORDER OF FORFEITURE
AS TO ONE (1) 2004 DOEPKER STEP DECK TRAILER, VIN# 2DEADDZ2741015981¹**

The United States of America, by and through its attorneys, Terrence Berg, United States Attorney for the Eastern District of Michigan and Philip A. Ross, Assistant United States Attorney, together with Little Bros. Leasing Limited, by and through its attorney, Priscilla J. Jones, Esq., hereby submit this Stipulated Partial Consent Judgment and Final Order of Forfeiture as to Defendant One (1) 2004 Doecker Step Deck Trailer, VIN# 2DEADDZ2741015981.

WHEREAS, a Complaint for Forfeiture was filed on June 9, 2009, alleging that the defendant vehicles were subject to forfeiture pursuant to 19 U.S.C. § 1595a and 21 U.S.C. § 881;

¹ The Government's Complaint for Forfeiture mislabeled the trailer, which is the subject of this stipulation, as a Ford Trailer. However, the VIN number provided in the complaint is accurate.

WHEREAS, a Claim of Interest was filed by Priscilla J. Jones, Esq., on behalf of her client, Little Bros. Leasing Limited (Claimant), as the lienholder of the 2004 Doepker Step Deck Trailer VIN# 2DEADDZ2741015981 on July 9, 2009;

WHEREAS, an Answer was filed by Priscilla J. Jones, Esq., on behalf of her client, Little Bros. Leasing Limited (Claimant), on July 28, 2009 as to the 2004 Doepker Step Deck Trailer VIN# 2DEADDZ2741015981;

WHEREAS, the United States of America and the Claimant, Little Bros. Leasing Limited, are aware of their respective rights and wish to resolve this matter without further litigation and expense;

NOW THEREFORE, the parties hereby stipulate and agree as follows:

1. This is an *in rem* civil forfeiture action brought pursuant to 19 U.S.C. § 1595(a) and 21 U.S.C. § 881.
2. This Court has jurisdiction to hear this action pursuant to 28 U.S.C. §§ 1345 and 1355.
3. Venue is proper before this Court, pursuant to 28 U.S.C. § 1391(b)(2) and 1395(b), because a substantial portion of the events or omissions giving rise to the Government's claims occurred in the Eastern District of Michigan, and because the defendant vehicle were seized in the Eastern District of Michigan.
4. The Court has jurisdiction over the subject matter and the parties.
5. The allegations of the Complaint for Forfeiture are well taken; the United States and its agents had reasonable cause for the seizure of the defendant vehicle as provided in 28 U.S.C. § 2465 and the Government's position in this action is substantially justified as

provided in 28 U.S.C. § 2412(d)(1)(B).

6. The parties herein wish to resolve this matter without additional utilization of judicial resources and without incurring further litigation expenses. As such, the parties agree that the 2004 Doecker Step Deck Trailer, shall **NOT BE FORFEITED**, but shall be **RETURNED** to Claimant Little Bros. Leasing Limited.
7. The parties agree that Little Bros. Leasing Limited will pay \$1,127 in storage fees incurred in a cashier's check made payable to VSE/MANHEIM, which is the third party vendor responsible for the storage of the trailer.
8. Claimant Little Bros. Leasing Limited hereby knowingly and voluntarily waives any and all right to reimbursement by the United States of attorney fees and/or litigation costs in connection with this civil forfeiture action, pursuant to 28 U.S.C. § 2465(b)(1)(A) or any other statute.
9. Claimant Little Bros. Leasing Limited agrees to release, remise and discharge Plaintiff, the United States of America, and any of its agencies involved in this matter, including but not limited to U. S. Customs and Border Protection ("CBP"), its agents and employees, U. S. Immigration and Customs Enforcement ("ICE"), its agents and employees, and state and local law enforcement officers and their employers, agents, officers and employees, past and present, from all claims or causes of action which Claimant Little Bros. Leasing Company and its agents, officers, employees, assignees and/or successors in interest have, may have had or may have on account of the events or circumstances giving rise to the above-captioned action.

10. Following entry of this Stipulated Consent Judgment and Final Order of Forfeiture, the U.S. Customs and Border Protection or its delegate shall make arrangements with Claimant's attorney, Priscilla J. Jones, for the return of the Defendant 2004 Doepker Step Deck Trailer VIN# 2DEADDZ2741015981 to Little Bros. Leasing Limited and for payment of \$1,127 as costs incurred to store the 2004 Doepker Step Deck Trailer VIN# 2DEADDZ2741015981.
11. This Stipulated Partial Consent Judgment and Final Order of Forfeiture as to Defendant 2004 Doepker Step Deck Trailer partially resolves this matter. The disposition of the remaining defendant *in rem*, One (1) International Truck has not yet been resolved. Claimant Little Bros. Leasing Limited acknowledges herein that it does not claim any right to or interest in Defendant One (1) International Truck VIN # 2HSCHAMR5YC076636.
12. Each of the parties to this Stipulation has discussed this Consent Judgment with its respective counsel, and each is aware of its rights in this matter. The parties agree that each party shall bear its own costs and attorney fees in this matter.

WHEREFORE, the parties stipulate to entry of this Stipulated Partial Consent Judgment and Final Order of Forfeiture.

Agreed as to form and substance:

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TERRENCE BERG
United States Attorney

/s/Philip A. Ross
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Dated: 9/16/09

/s/Priscilla J. Jones
Priscilla J. Jones, Esq.
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[P45300]

Dated: 9/16/09

s/Scott A. Little
Scott A. Little on behalf of
Little Bros. Leasing Limited
Claimant

Dated: 9/14/09

IT IS SO ORDERED.

s/Robert H. Cleland

HONORABLE ROBERT H. CLELAND
United States District Judge

Dated: September 18, 2009

I hereby certify that a copy of the foregoing document was mailed to counsel of record on this date, September 15, 2009, by electronic and/or ordinary mail.

s/Lisa Wagner

Case Manager and Deputy Clerk
313/234-5522

